

*Duchesne County Planning, Zoning  
& Community Development  
734 North Center Street  
P.O. Box 317  
Duchesne, Utah 84021  
(435) 738-1152  
Fax (435) 738-5522*

RECEIVED  
MAY 2 / 2005  
DIV. OF OIL, GAS & MINING

**PUBLIC NOTICE** is hereby given that the Planning Commission of Duchesne County will meet at 5:00 p.m., at the Duchesne County Administrative Offices, Commission Chambers, 734 North Center Street, Duchesne, Utah, on June 1, 2005.

**1. Public Hearing**

**Guy Thayne, requesting a Conditional Use Permit for extraction of earth products and rock crushing.** Southwest quarter of Section 33, Township 3 South, Range 1 West, USM, located approximately 3 miles southeast of Myton.

**2. Public Hearing**

**L. Clifton Read, Jr., requesting a Conditional Use Permit for extraction of earth products and rock crushing.** Township 4 South, Range 7 West USM. Located near the intersection of the Sam's Wash and Strawberry River Roads on lands owned by Wilcox Investment Company.

**3. Public Hearing**

**Proposed amendments to the Duchesne County Subdivision Ordinance**

**4. Public Hearing**

**Proposed amendments to the Duchesne County Zoning Ordinance**

**5. Minutes:** Approval of May 4, 2005 minutes

**6. Commission Comments and Staff Reports**

- A. Change of July meeting date from July 6th to 13<sup>th</sup>.
- B. Results of May 23 and 24 appeals of Planning Commission decisions (Six Lakes Campground and Berry Petroleum)

**7. Adjournment**

This agenda was posted 24 hours prior to the meeting time and notice of same was made to the Uintah Basin Standard, pursuant to U.C.A. 52-4-6

# **DUCHESNE COUNTY**

## **PLANNING COMMISSION MEETING**

**(Findings to Deny)**

### **JUNE 1, 2005**

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<b>REQUEST TYPE:</b>	Conditional Use Permit
<b>APPLICANT:</b>	L. Clifton Read, Jr.
<b>PROPOSAL:</b>	Extraction of Earth Products
<b>LOCATION:</b>	SW 1/4 of the NW1/4 of Section 15, the NE ¼ of Section 16 and the NE ¼ of the SE ¼ of Section 16 (excepting that portion within the "On the Banks at Strawberry River" Subdivision), all in Township 4 South, Range 7 West USM. Located near the intersection of the Sam's Wash and Strawberry River Roads on lands owned by Wilcox Investment Company.
<b>ZONING DESIGNATION:</b>	A-5

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## **FINDINGS OF FACT**

### **1. PROPOSAL DESCRIPTION**

The applicant is proposing to conduct mining operations on lands located generally on the north side of the Strawberry River Road, just west of Sam's Wash Road. A new road would be constructed from Sam's Wash Road up the side of a hill to the site. This road will be constructed whether or not the conditional use permit is approved to provide access to the property. Routine operations will not include rock crushing. However, if the applicant were successful in obtaining contracts for highway chip seal projects and if the rock at this location meets specifications, a crusher would be brought in during the course of the contract. The applicants plan to mine landscaping rock and veneer rock. They would dig down 10 - 20 feet and then pull over the canyon rock walls. The site is located just upstream of the mining operation of Shannon Peatross.

### **2. HISTORY OF EVENTS**

May 10, 2005	The application was submitted.
May 11, 2005	The application was deemed complete.
May 13, 2005	Notice mailed to property owners within 1,320 feet of the subject property.
May 17 & 24, 2005	Notice of Public Hearing published in the Uintah Basin Standard
June 1, 2005	Planning Commission hearing.

### **3. DUCHESNE COUNTY ZONING CODE**

Section 17.12.030 states that Subsurface and Surface Mining is allowed as a Conditionally permitted use in the A-5 zone, provided that such mining is a minimum of 1,320 feet away from any incorporated town or a family residence (other than the residence of the owner of the property being mined).

## **Chapter 17.52 CONDITIONAL USE PERMITS**

### **17.52.010 Issuance and Purpose:**

Conditional use permits may be issued as provided by this ordinance for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards.

The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses, which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.

### **17.52.020 Public Hearing Required:**

All applications for a conditional use permit shall be made in accordance with the provisions of this ordinance and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen days public notice has been provided and the planning staff notifying all property owners by US mail within 300 feet of proposed conditional use.

**17.52.030 Application Requirements:**

All requests for a conditional use permit shall be made on the application form provided by the county detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty-one days prior to the planning commission meeting. The Duchesne County Planning Commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator. The zoning administrator may notify the county commission concerning conditional use applications prior to planning commission consideration.

**17.52.040 Conditions for Approval:**

When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**17.52.050 Findings and Conditions:**

The planning commission may grant a conditional use permit in compliance with this ordinance if, from the application and the facts presented at the public hearing, it finds:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.

**Findings:** The zoning code contains a ¼ mile separation distance from residential units to mitigate the impacts of mining operations. While there are no residential units within ¼ mile of the site, the proposed use at this location will be detrimental to public safety and general welfare in several ways. The proposed use is located less than ½ mile west of a facility (The Edge Retreat) that accommodates weddings, reunions, corporate retreats and other events. The peaceful setting at this facility would be disturbed during operations of this proposed use (noise from mining equipment, dust and degrading of scenic views). The use would cause additional heavy truck traffic on county roads that are not designed for such use. This creates a maintenance burden for the county and safety problems for road users. An aspect of the proposal is to excavate behind the canyon walls and then pull over portions of these rock walls. This activity would be injurious to property owners who invested in this area due to the scenic beauty.

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.

**Findings: The Duchesne County General Plan, contains the following statement with respect to mining activities:**

*"Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean."*

**The General Plan also contains the following statements:**

*"The County also desires to expand and improve recreational opportunities, facilities, and services for County residents. The County has identified youth and family oriented activities and facilities as priorities."*

*"Duchesne County encourages private sector development of recreational facilities and services and may offer development incentives as doing so becomes feasible. The County also supports cultivating recreation facility development and maintenance "partnerships" with other entities, agencies, and special interest groups."*

**The Edge Retreat is an existing recreational facility that is encouraged by the county plan. The viability of this facility has already been impacted by mining operations to the west and would be more adversely impacted by the proposed operation.**

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

**Findings: The applicant has leased 240 acres of land, of which about 70 acres would be mined. The remaining lands provide an access road and buffer areas. However, the size, dimension and location of the property are insufficient to protect other property owners in the vicinity from materially detrimental impacts, such as noise, dust and heavy truck traffic. Noise echoes off the canyon walls in this area and prevailing westerly winds would blow dust from the operation toward recreational properties.**

In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the Duchesne County General Plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity.

**17.52.052 Special minimum conditions for extraction of earth products:**

1. Must be maintained in a near dust-free condition. Watering the site and street during times of operation is considered maintaining a near dust-free condition;

**Findings:** The applicants indicate that dust control will be provided by a 4,500-gallon tanker truck that will be filled with water using a Strawberry River water right. The applicant has also mentioned the possibility of pumping water to the site from the river. If this permit is granted, proof of this water right must be submitted to the county prior to the commencement of mining operations on the site.

2. A bond shall be issued in the amount of one thousand dollars for each acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission and the enlargement or modification is approved;

**Findings:** If the conditional use permit is granted, such a bond shall be posted prior to the commencement of mining operations on the site. The Division of Oil, Gas and Mining (DOGM) will require permits and a bond if county approval is received. The County can be named on the bond required by DOGM. DOGM requires a bond of \$5,000.00 for the first acre and \$3,000.00 per subsequent acre (which is more than the county's \$1,000.00 per acre requirement).

3. Reconditioning to assure the surrounding property is protected along with the beauty of the landscape;

**Findings:** Reconditioning must occur after the conclusion of mining operations on each portion of the site. If the permit is approved, the

**applicant must submit a reclamation plan to the county and DOGM for review and approval.**

4. Rock crushing operations must be a minimum of one thousand three hundred twenty feet from any city, town or residential use.

**Findings: Rock crushing would occur on a sporadic basis if the applicant were successful in obtaining contracts for crushed rock used in chip seal projects, etc... Maps indicate that the proposed crusher location would be over ¼ mile from the nearest existing residential use. Initial opinions from the Division of Oil, Gas and Mining and the County Road Department are that it is unlikely that the rock in this area would meet UDOT specifications for use in chip seal projects.**

**17.52.060 Expiration:**

Unless there is substantial action under a conditional use permit within a period of eighteen months of its issuance, the permit shall be considered null and void.

**17.52.070 Revocation or Modification of a Conditional Use Permit:**

If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this ordinance.

A conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

Additionally, the conditions under which a conditional use permit were originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the

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surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

### **CONCLUSIONS**

1. The request does not comply with all of the Conditional Use Permit requirements of the Duchesne County Zoning Code, in that the proposed use would be detrimental to existing uses in the vicinity and public health, safety and welfare would be adversely affected by the proposed use at this location.
2. The request is not valid.

### **RECOMMENDATION**

Recommended Motion: I move that the Planning Commission deny the Conditional Use Permit requested by L. Clifton Read, Jr.



Mike Hyde, AICP  
Community Development Administrator

MAH/mah

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**View from The Edge Retreat westerly to proposed mining site**



**View from The Edge Retreat westerly to proposed mining site**



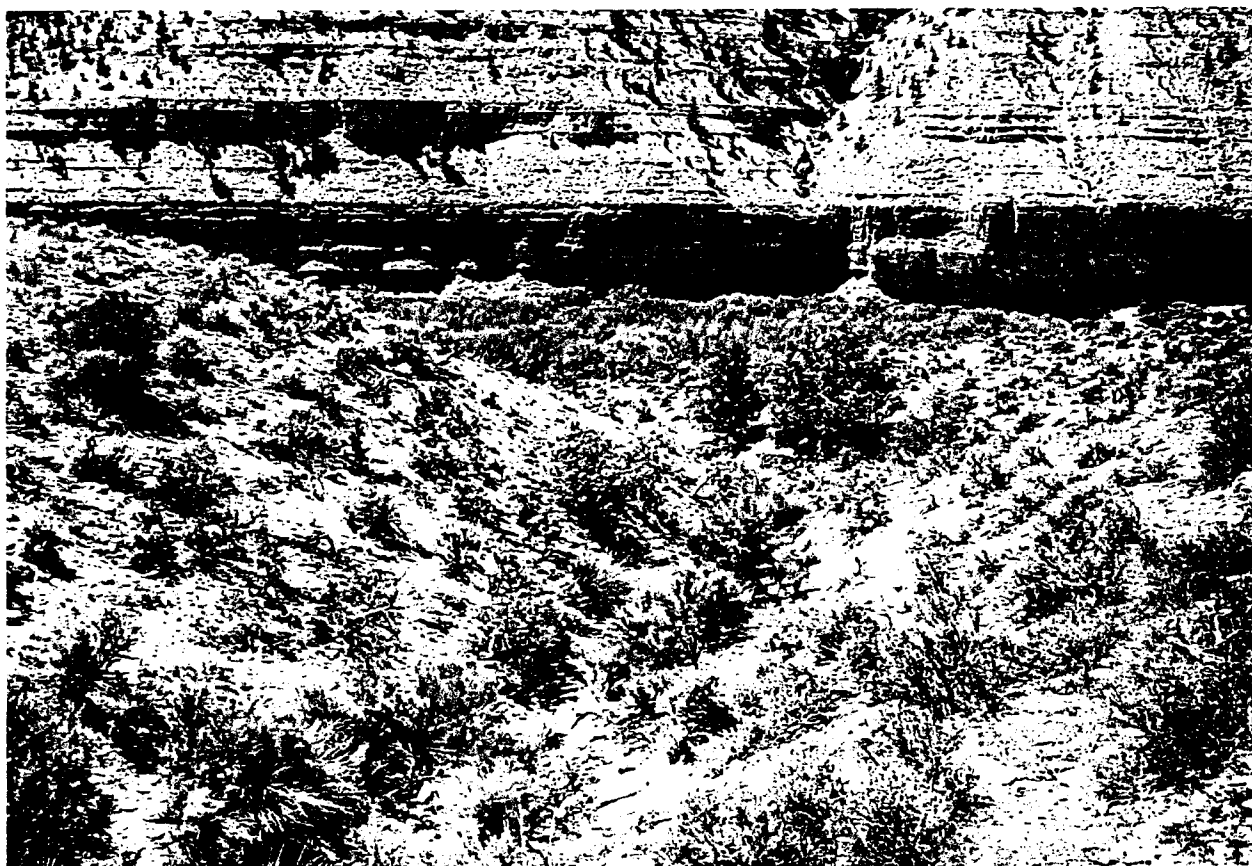
**Route of proposed access road to hilltop mining site**



**Route of proposed access road and connection point to Sam's Wash Road**



**Portion of mining site not visible from The Edge Retreat**



**Proposed mining site looking south to Strawberry River canyon**



**View from edge of cliff easterly to The Edge Retreat (teepee)**



**View from cliff to Strawberry River Road below**



**View westerly of proposed mining site to existing quarry**

# **DUCHESNE COUNTY**

## **PLANNING COMMISSION MEETING**

**(Findings to Approve)**

### **JUNE 1, 2005**

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<b>REQUEST TYPE:</b>	Conditional Use Permit
<b>APPLICANT:</b>	L. Clifton Read, Jr.
<b>PROPOSAL:</b>	Extraction of Earth Products
<b>LOCATION:</b>	SW 1/4 of the NW1/4 of Section 15, the NE ¼ of Section 16 and the NE ¼ of the SE ¼ of Section 16 (excepting that portion within the "On the Banks at Strawberry River" Subdivision), all in Township 4 South, Range 7 West USM. Located near the intersection of the Sam's Wash and Strawberry River Roads on lands owned by Wilcox Investment Company.
<b>ZONING DESIGNATION:</b>	A-5

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#### **Report Contents**

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## **FINDINGS OF FACT**

### **1. PROPOSAL DESCRIPTION**

The applicant is proposing to conduct mining operations on lands located generally on the north side of the Strawberry River Road, just west of Sam's Wash Road. A new road would be constructed from Sam's Wash Road up the side of a hill to the site. This road will be constructed whether or not the conditional use permit is approved to provide access to the property. Routine operations will not include rock crushing. However, if the applicant were successful in obtaining contracts for highway chip seal projects and if the rock at this location meets specifications, a crusher would be brought in during the course of the contract. The applicants plan to mine landscaping rock and veneer rock. They would dig down 10 - 20 feet and then pull over the canyon rock walls. The site is located just upstream of the mining operation of Shannon Peatross.

### **2. HISTORY OF EVENTS**

May 10, 2005	The application was submitted.
May 11, 2005	The application was deemed complete.
May 13, 2005	Notice mailed to property owners within 1,320 feet of the subject property.
May 17 & 24, 2005	Notice of Public Hearing published in the Uintah Basin Standard
June 1, 2005	Planning Commission hearing.

### **3. DUCHESNE COUNTY ZONING CODE**

Section 17.12.030 states that Subsurface and Surface Mining is allowed as a Conditionally permitted use in the A-5 zone, provided that such mining is a minimum of 1,320 feet away from any incorporated town or a family residence (other than the residence of the owner of the property being mined).

## **Chapter 17.52 CONDITIONAL USE PERMITS**

### **17.52.010 Issuance and Purpose:**

Conditional use permits may be issued as provided by this ordinance for any of the uses for which a conditional use permit is required as identified in the table of uses and the table of site development standards.

The purpose of the issuance of a conditional use permit is to allow the proper integration into the county of uses, which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged or conducted on the site in a particular manner.

### **17.52.020 Public Hearing Required:**

All applications for a conditional use permit shall be made in accordance with the provisions of this ordinance and shall be the subject of a public hearing held before the planning commission for which a minimum of fourteen days public notice has been provided and the planning staff notifying all property owners by US mail within 300 feet of proposed conditional use.

**17.52.030 Application Requirements:**

All requests for a conditional use permit shall be made on the application form provided by the county detailing the nature of the conditional use request. The applicant shall also provide the necessary information identifying the purpose of the conditional use request, and all required information shall be provided to the planning office twenty-one days prior to the planning commission meeting. The Duchesne County Planning Commission is authorized to render a final decision on the issuance of a conditional use permit following the review and receipt of a recommendation from the zoning administrator. The zoning administrator may notify the county commission concerning conditional use applications prior to planning commission consideration.

**17.52.040 Conditions for Approval:**

When approving a conditional use permit, the planning commission may impose such requirements and conditions as follows: location, construction, maintenance, odor control, operation, site planning, traffic control, dust control, noise, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The planning commission may require guarantees or other evidence that such conditions will be met and complied with.

**17.52.050 Findings and Conditions:**

The planning commission may grant a conditional use permit in compliance with this ordinance if, from the application and the facts presented at the public hearing, it finds:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.

**Findings: The zoning code contains a ¼ mile separation distance from residential units to mitigate the impacts of mining operations. The pit location is over ¼ mile from existing dwellings and The Edge Retreat. The property is served by the Strawberry River Road, the Lower Red Creek Road and the Sam's Wash Road, all of which can accommodate additional truck traffic in the opinion of the County Road Department. Dust control requirements will address that potential impact.**

**One aspect of the proposal is to excavate behind the canyon walls and then pull over portions of these rock walls. The rock walls are very close to the county road and public safety would be affected without proper traffic control. Liability insurance should also be required.**

2. The proposed use will be located and conducted in compliance with the goals and policies of the Duchesne County General Plan and the purposes of this ordinance.



**Findings: The Duchesne County General Plan, contains the following statement with respect to mining activities:**

**Page 4: "Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean."**

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

**Findings: The applicant has leased 240 acres of land, of which 70 acres (at most) would be mined over the 26-year lease term. The acreage could be less depending on the depth of the mining. The remaining lands provide an access road and buffer area. The size and dimension is sufficient to protect other property owners in the vicinity from materially detrimental impacts.**

In approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the Duchesne County General Plan and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity.

**17.52.052 Special minimum conditions for extraction of earth products:**

1. Must be maintained in a near dust-free condition. Watering the site and street during times of operation is considered maintaining a near dust-free condition;

**Findings: The applicants indicate that dust control will be provided by a 4,500-gallon tanker truck that will be filled with water using a Strawberry River water right. The applicant has also mentioned the possibility of pumping water to the site from the river. If this permit is granted, proof of this water right must be submitted to the county prior to the commencement of mining operations on the site.**

2. A bond shall be issued in the amount of one thousand dollars for each acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission and the enlargement or modification is approved;

**Findings:** If the conditional use permit is granted, such a bond shall be posted prior to the commencement of mining operations on the site. The Division of Oil, Gas and Mining (DOGM) will require permits and a bond if county approval is received. The County can be named on the bond required by DOGM. DOGM requires a bond of \$5,000.00 for the first acre and \$3,000.00 per subsequent acre (which is more than the county's \$1,000.00 per acre requirement).

3. Reconditioning to assure the surrounding property is protected along with the beauty of the landscape;

**Findings:** Reconditioning must occur after the conclusion of mining operations on each portion of the site. If the permit is approved, the applicant must submit a reclamation plan to the county and DOGM for review and approval. The applicant intends to mine in 2-3 acre increments and recondition that area before moving to a new area.

4. Rock crushing operations must be a minimum of one thousand three hundred twenty feet from any city, town or residential use.

**Findings:** Rock crushing would occur on a sporadic basis if the applicant were successful in obtaining contracts for crushed rock used in chip seal projects, etc... Maps indicate that the proposed crusher location would be over ¼ mile from the nearest existing residential use. Initial opinions from the Division of Oil, Gas and Mining and the County Road Department are that it is unlikely that the rock in this area would meet UDOT specifications for use in chip seal projects.

**17.52.060 Expiration:**

Unless there is substantial action under a conditional use permit within a period of eighteen months of its issuance, the permit shall be considered null and void.

**17.52.070 Revocation or Modification of a Conditional Use Permit:**

If there is cause to believe that grounds exist for revocation or modification of an approved conditional use permit, the planning commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this ordinance.

A conditional use permit may be modified or revoked if the planning commission finds that one of more of the following conditions exist:

1. The conditional use permit was obtained in a fraudulent manner.
2. The use for which the conditional use permit was granted has now ceased for at least six consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.

Additionally, the conditions under which a conditional use permit were originally approved may be modified by the planning commission without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance. Should reclamation be necessary, complete restoration, to such an extent that the area will not depreciate the surrounding property or impair the beauty of the landscape, shall be accomplished within a twelve (12) month time frame.

**CONCLUSIONS**

1. The request will comply with the Conditional Use Permit requirements of the Duchesne County Zoning Code, provided that conditions are imposed.
2. The request is valid.

**RECOMMENDATION**

Recommended Motion: I move that the Planning Commission approve the Conditional Use Permit requested by L. Clifton Read, Jr., subject to the following conditions:

1. Applicant shall take action as deemed necessary by the County, if complaints are received, to prevent dust from becoming a nuisance.
2. Applicant shall maintain a reclamation bond in effect during the course of the operations. The bond shall be in a form and amount approved by the Division of Oil, Gas and Mining and shall name Duchesne County as one of the bondholders.

L. Clifton Read, Jr.  
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3. Applicant agrees to reclaim the site in a manner acceptable to Duchesne County and the Utah Division of Oil, Gas and Mining.
4. Applicant shall provide proof of Strawberry River water rights for water to be used in dust suppression prior to commencement of mining operations.
5. The acreage to be disturbed by this mining operation shall not exceed 70 acres.
6. Applicant shall coordinate with the Duchesne County Road Department to provide public protection (including fencing, traffic control and other measures deemed necessary) when working on or near the cliff walls.
7. Applicant shall provide proof of public liability insurance, with Duchesne County named as an additional insured, to remain in force during the course of the mining operations.



Mike Hyde, AICP  
Community Development Administrator

L. Clifton Read Jr.  
P.O. Box 1947  
Park City, Ut. 84060

Duchesne County Planning  
Mike Hyde, Director  
P.O. Box 317  
Duchesne, Ut. 84021

May 16, 2005

Dear Mr. Hyde,

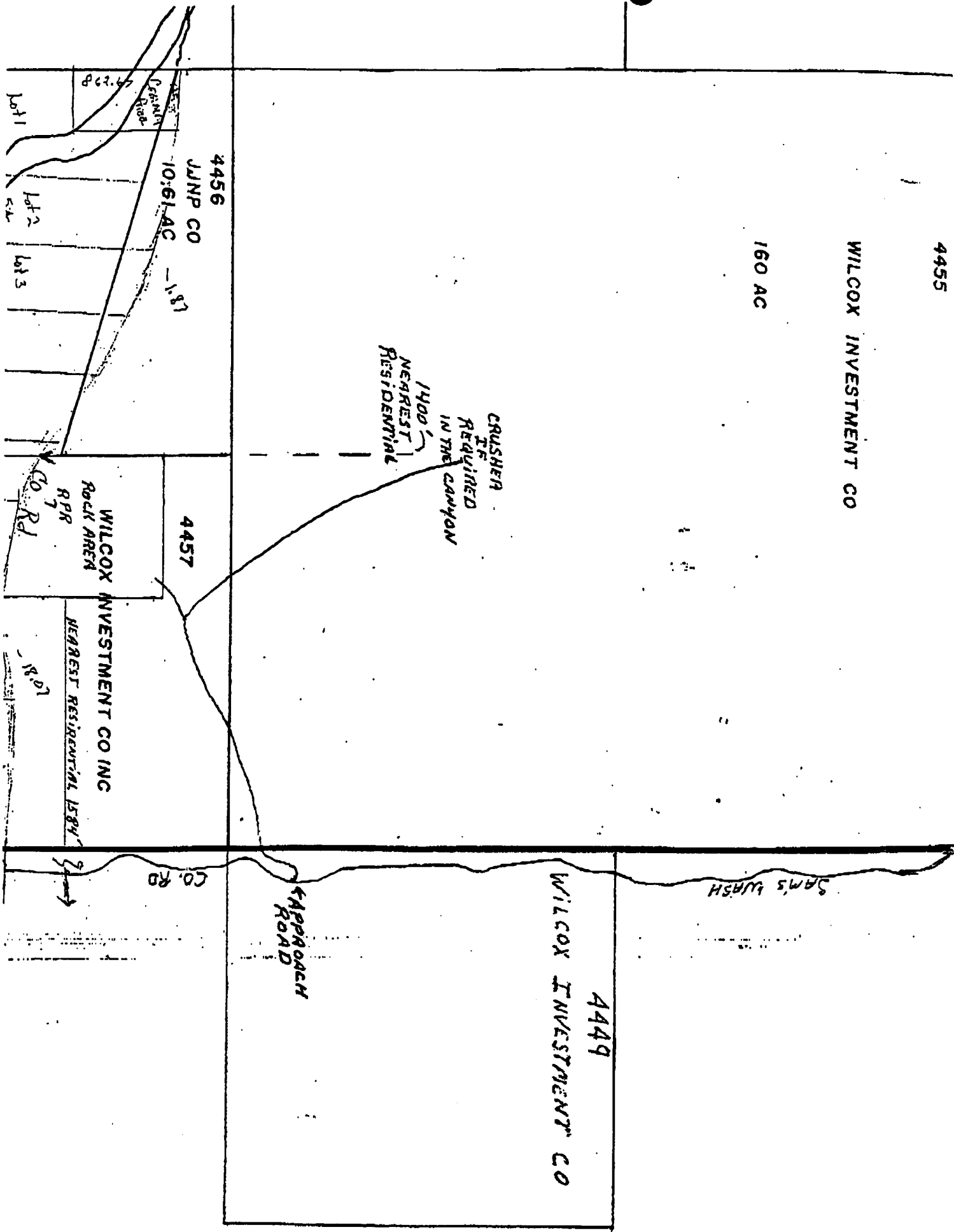
As you requested, I am writing this letter to try and explain how we intend to develop the rock pit for which I Submitted a conditional use application. Enclosed is a plat map of our property showing the proposed approach from Sam's Wash up onto the upper bench of our property where we would establish our pit area. As I explained in our conversation last Thursday my attorney and myself have reviewed all sections under Chapter 17.52 "Conditional Use Permits" and we fully intend to comply with all sections that pertain to (extraction of earth products) as outlined therein. We have ample water for dust control and intend to establish the pit area in a canyon area where it would primarily only be visible from aircraft.

We have to extract and test the rock on our property in order to see if it will meet UDOT or commercial spec's for any state, county, or city road project that may come online in the area. If our rock meets those spec's and we are awarded the bid to produce the rock products needed, then and only then would we move a crusher in to make the material. We intend to be good neighbors and minimize any impact we may have in this rural part of Duchesne County.

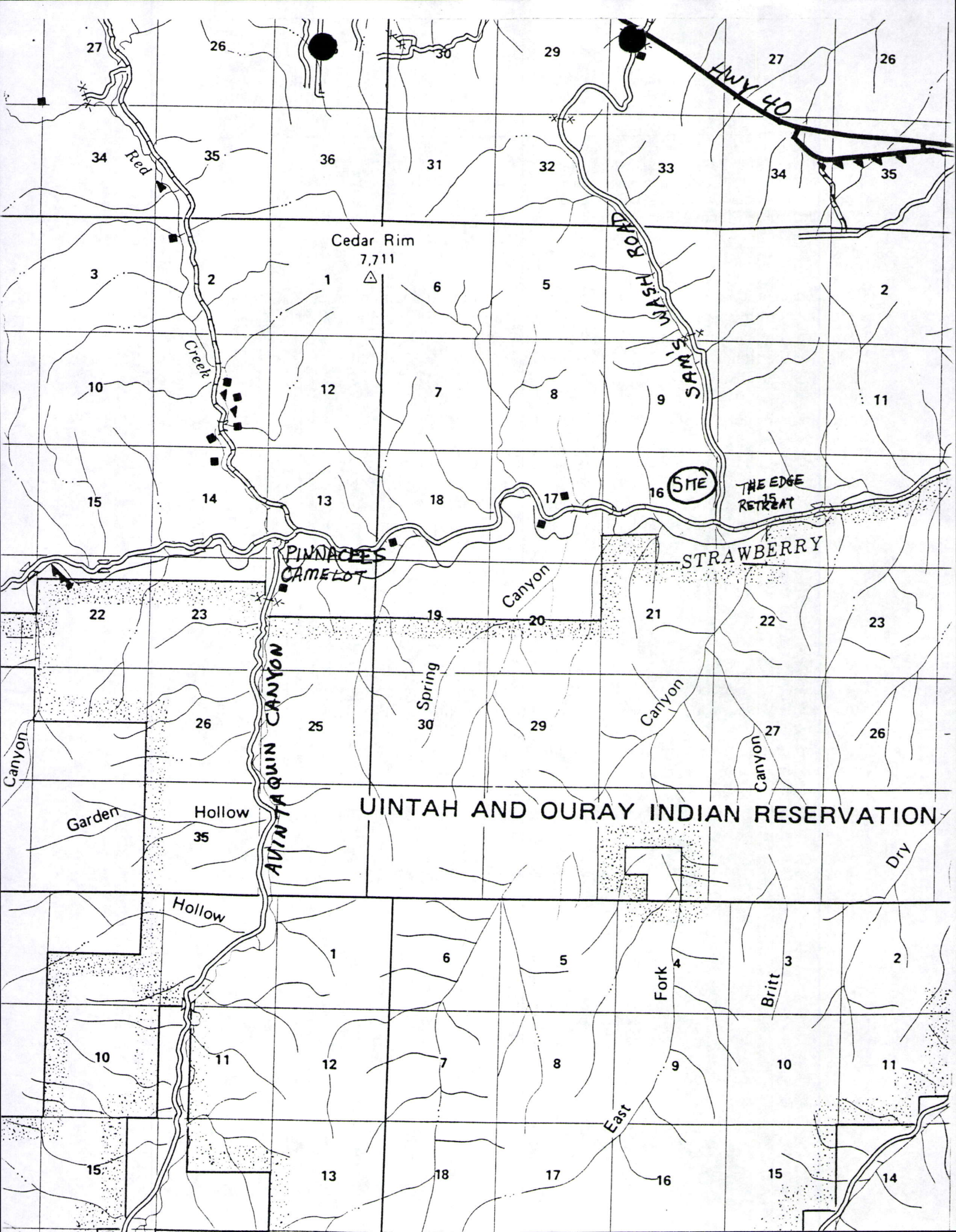
Sincerely,

A handwritten signature in black ink, appearing to read "L. Clifton Read Jr.", written in a cursive style.

L. Clifton Read Jr.







**Mike Hyde**

---

**From:** "Paul Baker" <paulbaker@utah.gov>  
**To:** <mhyde@co.duchesne.ut.us>  
**Sent:** Friday, May 20, 2005 3:07 PM  
**Subject:** Re: Proposed Rock Quarry

Mike--

Doug Jensen and I met Mr. Read at his site today and talked with him about the permitting process and other things. The bond we did for WW Clyde was unusual; we plan to bond this quarry at our normal rate of \$5000 for the first acre and \$3000 for subsequent acres. We will still include Duchesne county on the bond.

I apologize for not notifying you of our visit.

I've spoken with Chris Lang about this because I understand he will be attending the hearing on the 1st. Although Mr. Read will not be right next to The Edge, it appears it will be visible. They only plan to take out 5 trucks a week (one a day), so there should be nowhere near as much activity as Shannon Peatross has at his operation up the canyon.

I'll let you know what happens as we get into the permitting process.

Paul

>>> "Mike Hyde" <mhyde@co.duchesne.ut.us> 5/18/2005 11:17 AM >>>  
Paul: You may be receiving a call from L. Clifton Read Jr. regarding a proposed new quarry located in Duchesne County (Section 16, T4S, R7W).

He has applied to the county for a conditional use permit which will be heard by our planning commission on June 1st.

We'd like to know if DOGM will require permits and reclamation bonding for this one.

I spoke with Mr. Read today and gave him your phone number. His number is 435-640-3750.

Thanks.

5/23/2005



**Mike Hyde**

---

**From:** "Paul Baker" <paulbaker@utah.gov>  
**To:** <mhyde@co.duchesne.ut.us>  
**Sent:** Tuesday, May 24, 2005 7:37 AM  
**Subject:** Re: Proposed Rock Quarry

He talked about doing the crushing, but he didn't say there would be more truck trips. I don't think the rock will be hard enough to pass DOT specifications, but you never know.

>>> "Mike Hyde" <mhyde@co.duchesne.ut.us> 5/23/2005 11:53 AM >>>  
Thanks, Paul. Did Mr. Read tell you that he will be competing for highway chip seal contracts and if he lands one, there will be a crusher and a lot more truck trips?

I am planning to meet Mr. Read and Mr. Lang at the site on Wednesday. No need to apologize, but if I'd known of your visit, I may have tried to attend that meeting instead to help me prepare my planning commission recommendation. Instead, I went out to look at Guy Thayne's proposal about 3 miles SE of Myton (one you indicated DOGM will not be getting involved with).

**OPTION FOR PURCHASE OF ROCK AND GRAVEL**

Ent. 378535-0k A0445 P1 0294  
Date: 04-MAY-2005 2:37PM  
Fee: \$16.00 Check  
Filed By: CRY  
CAROLYNE B MADSEN, Recorder  
DUCHESE COUNTY CORPORATION  
For: CLIFTON READ JR

This Agreement entered into this 28TH day of April, 2005, by and between L.Clifton Read, Jr., (herein "Read") and J J N P Company, a (Utah limited partnership), Robert J. Pinder, General Partner, and Wilcox Investment Company Inc., a (Utah Corporation), Robert J. Pinder, President (herein "Owners").

**WITNESSETH**

For and in consideration of the sum of One Thousand Dollars, receipt whereof is hereby acknowledged, the Owners hereby grant to Read the exclusive right and option to purchase quarry rock, gravel, sand, dirt, and road and building materials (herein collectively referred to as "materials") from the Property of the Owners located in Duchesne County, Utah and more particularly described as follows:

Parcel # 00-010-2719, Section 15 4S 7W, (40 acres), Parcel # 00-010-2727, Section 16 4S 7W, (160 acres), Parcel # 00-010-2750, Section 16 4S 7W, (40 acres).

The option may be exercised by Reads removal of materials from time to time as he shall determine.

**OPTION PERIOD-EXTENSIONS**

This option shall remain in full force and effect for a period of six (6) years from date hereof unless renewed as provided for herein. If Read shall purchase materials during the initial six year option period, (the initial option period), he shall have the right to extend the option for an additional ten years (the "second option" period). If Read shall purchase materials during the second option period he shall have the right to extend the option for an additional ten years following the expiration of the second option period. Notice of exercise of Reads election to extend the option with respect to the first ten year extension shall be given prior to expiration of the initial option

period and notice with respect to the second ten year extension shall be given prior to expiration of the second option period. Any such notices given by Read shall be in writing and shall be deemed delivered upon personal delivery to owners or either of them or posting in the United States mail postage prepaid in an envelope addressed to owners at P.O. Box 1329 Park City, Utah 84060. Ent 376939.8 00415.1 0295

### PURCHASE PRICE OF MATERIALS

As and when the option is exercised by Read's removal of materials from the property Read agrees to pay or cause to be paid to owners as the purchase price for said materials the sum of one dollar (\$1.00) per ton or in the case of quarried rock materials then ten dollars (\$10.00) per ton for all materials removed from the property. If materials are removed during any calendar month an accurate record of the same shall be provided to the owners within 15 days after the close of said calendar month. The purchase price of materials removed by Read shall be paid as and when such records of removal are provided to the owners.

### ASSIGNMENT

This option shall be binding on the parties hereto, and their successors, heirs and assignees. The rights and privileges hereby granted to Read may at Reads option be exercised by any agent or contractor of Read or by his successors and assigns.

### SPECIAL STIPULATIONS

1. Read has entered into this Agreement and has paid the \$1,000.00 option money in reliance upon:
  - (a) Owners ownership of fee simple title to the property and the materials.
  - (b) Owners providing suitable access from the property to the public highway.
  - (c) Reads ability to obtain all necessary governmental approvals for use and operation of the property as a quarry and gravel pit including zoning approvals if required.

Owner agrees to fully cooperate with Read to ~~secure such~~ <sup>for the purpose of</sup> investigation forgoing conditions and Read at his expense shall conduct such investigation with respect to title and access and shall initiate and prosecute such applications for governmental approvals as he shall determine to be necessary or useful to determine satisfaction of each of the conditions set forth in subparagraphs (a), (b) and (c) above. If in Reads sole discretion it is determined that any one or more of such conditions has not been fulfilled then this option may be terminated upon written notice from Read to the Owners and if so terminated within one year from date of this Agreement then the Owners shall return to Read the \$1,000.00 option money paid by Read.

2. If this option is exercised by the removal of materials by Read then \$900.00 of the \$1,000.00 option money shall be credited against the purchase price of the first materials removed by Read.
3. The purchase price for materials, upon mutual agreement of the parties, shall be adjusted by the cost of living index at the beginning of any of the option period-extensions exercised by Read.
4. All livestock of the Owners shall be protected during materials removal operations.
5. A road from the excavated area to the right of way road shall be established by Read.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year above set forth.

OWNERS:

JJNP Company, a (Utah Limited Partnership)

Robert J. Pinder, General Partner

*Robert J. Pinder - GP*  
 Wilcox Investment Company Inc., a (Utah Corporation)

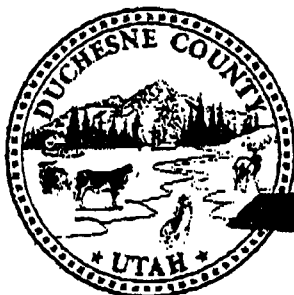
Robert J. Pinder, President

*Robert J. Pinder - Pres*

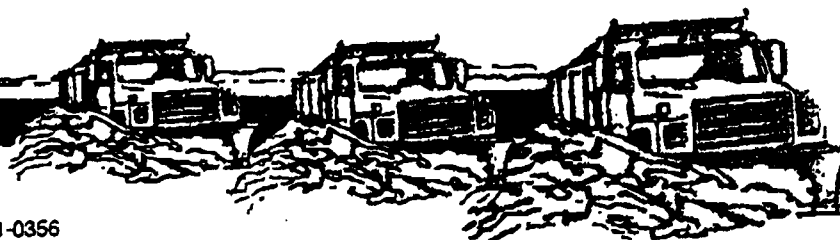
READ:

L. Clifton Read Jr.

*L. Clifton Read Jr.*



## DUCHEсне COUNTY ROAD DEPARTMENT



P.O. Box 356 • Duchesne, Utah 84021-0356  
Phone (435) 738-2468 • Fax (435) 738-5924

### DUCHEсне COUNTY ROAD DEPARTMENT

#### APPROACH PERMIT

#### REQUIREMENTS FOR CONSTRUCTING APPROACHES TO COUNTY ROADS

As of October 25, 1994, the County will be charging a \$75.00, non refundable fee for each permit issued.

Permittee must apply for permit to install anything in the road right-of-way regardless if it is across the road or down the side.

Approaches must be on a 90 deg. Angle to the road.

Approach must have sufficient clearance both ways to allow for visual sight of approaching traffic.

Permittee shall furnish own pipe to handle any drainage problems, 30"x15" min.

Permittee shall be responsible for their own cattle guards and/or gates installed on the approach.

Those applying for this permit must be responsible to alert the utilities of any work being done in the right-of-way and shall be held responsible for damage to such utilities.

When an approach is constructed, at least a 30' level portion must be built where it meets the main road way, thus eliminating sharp rises or sharp drops in the approach way.

Approach must be constructed of material that is not slick, IE: clay.

Permittee shall be responsible for any signs needed on finished approaches.

Duchesne County will inspect the site before construction and again after, before acceptance.

PERMIT ISSUED TO: L. Clifton Read Jr.

LOCATION OF APPROACH: Approximately 11,500 S 35075W  
on CR # 18

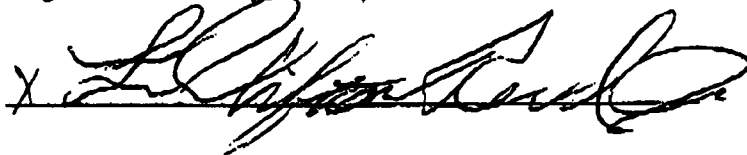
BY: 2c DATE 5-4-05 PERMIT # 05-10

PRE CONSTRUCTION INSPECTION

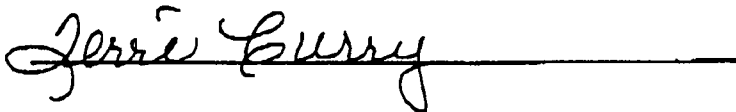
DATE: \_\_\_\_\_ BY: \_\_\_\_\_

Acceptance of constructed approach date: \_\_\_\_\_ BY: \_\_\_\_\_

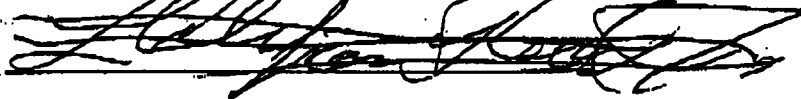
I agree to abide by the requirements as set above:

X 

DUCHESNE COUNTY ROAD DEPARTMENT AGENT:



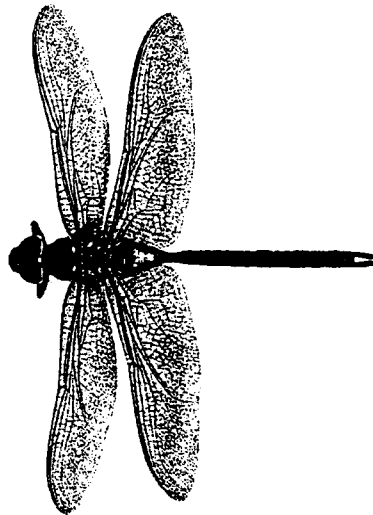
DUCHESNE COUNTY COMMISSIONERS:



Fee received by:

\_\_\_\_\_

The Edge  
Retreat



On the edge of consciousness  
there are no crowds.

The Edge  
Retreat



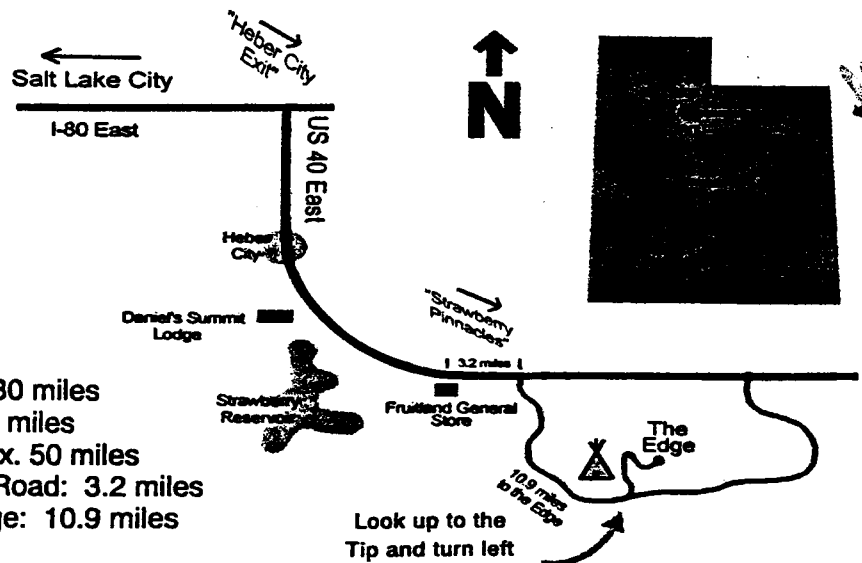
PO Box 16  
Duchesne, Utah 84021

From Salt Lake City  
to The Edge...  
A beautiful two-hour drive...



#### Distances

Salt Lake to US40 Exit: approx. 30 miles  
US40 to Heber City: approx 20 miles  
Heber City to Fruitland Store: approx. 50 miles  
Fruitland Store to Strawberry Pinnacles Road: 3.2 miles  
Strawberry Pinnacles Road to The Edge: 10.9 miles

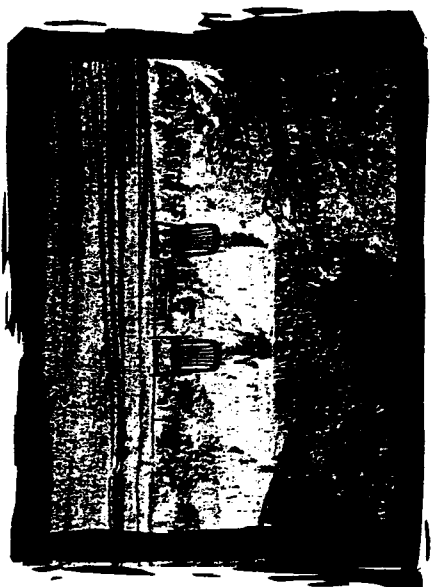
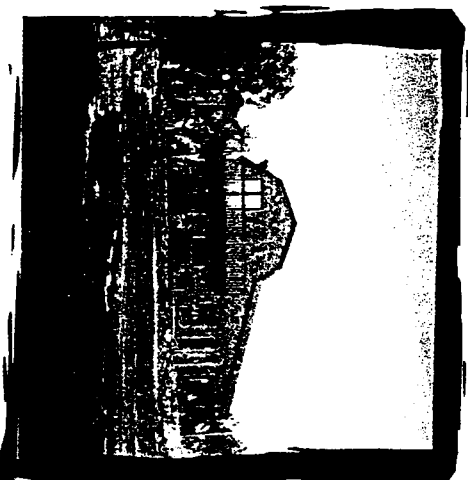


Look up to the  
Tip and turn left

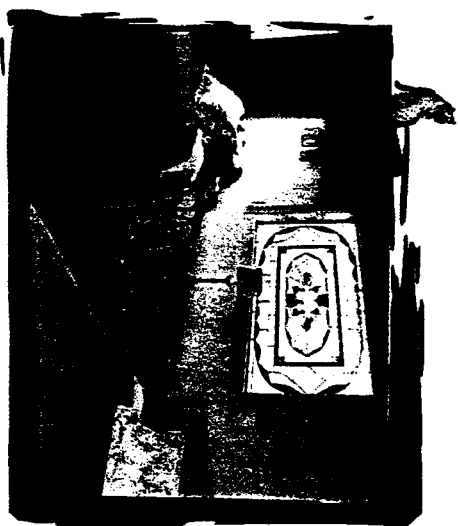
The Edge Retreat is perched atop a 100-foot cliff overlooking the Strawberry River. A comfortable, beautiful place.

The Edge was specifically created for people looking for the ideal setting for their workshops, weddings, family reunions or corporate retreats.

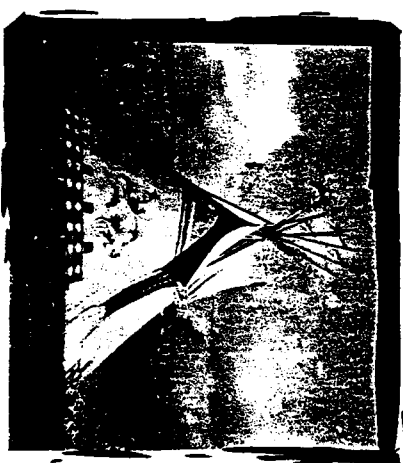
With room to roam and plenty of privacy, the buildings and grounds are artfully created for comfort and relaxation, with many private corners and nooks for private contemplation. The Edge offers a 600 Sq. Ft. gourmet kitchen which can seat 24 for meals. The bunkhouse accommodates twenty. Nearby is a 600 Sq. Ft. Meeting Room, and a few steps away is a bathroom with facilities to make twenty people very comfortable. Above the bathroom, two private rooms for group leaders or honeymooners. In addition, there are two private cabins with queen size beds.



Relax under the starlit night in our bubbling outdoor hot tub. For those who like roughing it, we have an awesome 26-foot Tipi.



For occasions of groups of two to twenty-two people that require a sense of privacy and intimacy, whether work or celebration, the Edge is ideal.



The Edge Retreat can accommodate weddings, office retreats, your escape from too much civilization, or your celebration of any occasion with equal ease and hospitality. Call us with your plans. Your guests will be surprised, inspired and refreshed at

*The Edge  
Retreat*

*Fruitland, Utah*  
435.548.2479

[www.theedgeretreat.com](http://www.theedgeretreat.com)





4455

WILCOX INVESTMENT CO

160 AC

4456  
JJNP CO  
10.61 AC

-1.87

4457

WILCOX INVESTMENT CO INC

4453

WARREN H.  
MAUREEN-A.  
JOHNSON, TRUSTEES  
36.2 AC.

4449

WILCOX  
INVESTMENT  
CO INC.

40 AC.

Z58A M 327  
GEORGIA

CEDAR MOUNTAIN  
SUBDIVISION

4447  
FORD'S FINANCE &  
INS. CO.

4452

15

JJNP  
40 AC

SEE SUPPLEMENTAL PLAT

10

**NO. 5**

21

60 AC.

4439  
J.J.N.P. COMPANY  
160 AC.

4441  
J.J.N.P. CO.

## INDIAN

37

4442

SCALE: 1"=1200'

STRAWBERRY

SW CORNER SECTION 15

S89°46'E

1296.16'

NE CORNER SECTION 16

1296.16'

3 20.00

ZSBA M 527  
GEORGIANNA  
MINING CLAIM  
OVERLAP

CMT2-13

CMT2-14

CMT2-15

CMT2-26

CMT2-25

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17.81 AC.

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(ALL LOTS ARE OWNED BY  
FORDS FINANCE AND INSURANCE  
UNLESS INDICATED OTHERWISE)

SCALE: 1" = 400'